

CERTAIN ISSUES OF PUBLIC CONTROL AND IMPROVING ITS EFFECTIVENESS

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ABSTRACT

The present paper discusses the issues of the effectiveness of the reforms carried out in our country largely depends on the public control exercised by citizens and civil society institutions. This article covers the problems of public control, its significance, current issues of its development in the conditions of Uzbekistan, suggestions and reviews.

Keywords: civil society, control, public control, state power, public discussion, public hearing, public monitoring, public expertise, public opinion.

1. INTRODUCTION

One of the important conditions for building a civil society is to increase the participation of civil society institutions in the implementation of the most important areas of state power and public administration, as well as the socio-economic development of the country.

Before we talk about public control, it is necessary to find out why the state and society, as well as the individual, need such control. Many scholars of the middle Ages and modern times argue that state power is the expression of voluntary contracts concluded between people, while the relationship between the state and society is based on mutual rights and obligations. It is important that citizens themselves control the state activities created by them, balance the interests of the elite at the top of power with the interests of citizens, exercise direct or indirect control over the activities of authorities, prevent crimes in the country, treat the state and society fairly, and openly discuss issues.

II. METHOD

The article uses chronological and systematic periodic data, comparative and quantitative methods. More than ten scientific papers on the topic are used to explain "Certain issues of public control and improving its effectiveness". In addition, the researcher used different materials to collect data related to the study.

III. DISCUSSION

Controlling the behavior of authorities that have been important in the development of society since ancient times, scientists say that "there is nothing more dangerous than an uncontrolled power that relies not on the law, but on the threat of violence."ⁱ[1.208]. In addition "the inability of society to establish control over power is a sign of civil society. Only control, which has a legal form, subordinates power to law, and only in the conditions of civil society, the state becomes a "legal successor" and acquires the status of a "legal state [2.27-31]." In the nineteenth century, Herbert Spencer was one of the first sociologists to introduce the terms social system, social institution, and social control [3.43].

In the scientific literature, the Institute of public control is interpreted by various definitions. In particular, a Russian scientist who has conducted research in this area, A.V. Sokolov, considers the implementation of public control over the activities of state authorities as the main feature of democracy and the process of universal information about the activities of state authorities [4.272]ⁱⁱ. According to B. I. Ismoilov, public control refers to the control of civil society institutions over citizens of the Republic of Uzbekistan and their associations, state authorities and management [5.46].ⁱⁱⁱT.Dustjonov and S.Khasanov emphasize that public control is one of the main institutions for the formation and proper organization of civil society, and give

it a broader definition, i.e. "Public control is the supervision of the activities of public authorities and management, as well as non-governmental organizations, carried out in accordance with the law by citizens, their associations and self-government, other structures (institutions) of civil society, as well as public bodies formed as part of state and non-state bodies." [6.79].¹

Legal scholars M. A. Akhmedshayeva, according to M. K. Najimov, Public control is a social control carried out by political parties, various public associations, voluntary organizations, mass media, citizens, that is, subjects of public control over compliance with the law and ensuring human rights in the activities of state bodies[7.154].

J. Chorshanbiev noted that public control is an important factor that serves to ensure stability of social justice in society, equality, responsibility and responsibility in the relations of a person, society and the state. It guarantees that human rights and freedoms are guaranteed not only by the state, but also by their priority in the activities of state bodies. Public control is the control exercised by citizens[8.14].

The importance of public control in ensuring the rule of law and compliance with the principle of social justice in the activities of public authorities is unique. Public control is a type of public control carried out by the mass media, public associations, political parties, mass movements, creative associations, societies of scientists, organizations of women, veterans and youth, citizens, self-government bodies and other associations[9.154].

According to them, public control is a key factor that serves balance, equality, mutual responsibility and responsibility in the relations of the individual, society and the state, so that social justice can make decisions in society. This institution ensures not only the guarantee of human rights and freedoms by the state, but also their priority in the activities of state bodies, while the presence of public control is an indicator that political power is in the hands of the people.

At the same time, as B. I. Ismoilov correctly noted, public control is one of the most important forms of interaction of civil society institutions with Central state authorities and local self-government bodies.

IV. RESULTS

Public control can be seen as an integral feature of civil society. Since many issues related to limiting state intervention in the economic sphere, the activities of economic structures, primarily the private sector, as well as strengthening public control over the implementation of laws by state authorities, in the formation of civil society, can be called priorities in modern society.

The President Sh. M. Mirziyoev sees as the primary mechanism of reform. According to the head of our state, "public control is not only a control over the activities of state bodies, but also a way of self-regulation of society, that is, one of the important factors in the development of civil society."

Therefore, the Advisory Council for the development of civil society, the center for the development of civil society, and the national Association of non-governmental non-profit organizations should next year initiate the creation of an effective system of public control in each sphere and industry. Public control should be implemented primarily in law enforcement and regulatory agencies, financial, banking, education, healthcare, utilities, energy and transport. Also, issues such as the quality of products and services in markets and shopping complexes should be constantly monitored by the public"[10.3].

In our opinion, it is worth noting that today information and media control is the most effective method of control by state and local authorities. Because this type of control is not limited in time and space. It constantly monitors the activities of state and local authorities in the media space (regular users), bloggers, journalists, social network groups, and Internet communities. As a result of the critical comments and suggestions made, the heads of state and local government bodies or higher-level subjects (for example, the President) make political decisions, organizational and regulatory acts.

"Special attention should be paid to strengthening the role of the chambers of the Oliy Majlis in the system of state authorities, solving important tasks on domestic and foreign policy of the state, further expanding the rights and powers of the Parliament in monitoring the activities of executive authorities." [11.46].

We know from the experience of democratic States that the purpose of public control is to increase the effectiveness of state bodies and local self-government, to ensure that officials comply with the law when defining and implementing state policies, and to assist citizens, organizations and their officials in effectively

implementing their activities.

Public control includes a number of stages, such as the sequence of actions carried out by citizens and their Autonomous associations in order to identify and prevent negative phenomena and offenses in the interests of public administration and civil society.

The first stage is regular monitoring of decisions and actions of state and municipal authorities and their officials.

The second stage is a public examination of specific decisions and actions of state and municipal authorities and their officials.

The third stage is a public presentation of the results of the public investigation of the authorities and society, and the main role in this stage is played by the media[12].

Taking into consideration at the same time public control helps to identify gross, systematic, massive violations of human rights. But at the same time, control is ineffective for collecting evidence. In such cases, the investigation will require additional verification of special technologies and methods [13.].

Summarizing various approaches to the forms of public control over the activities of public authorities and analyzing existing practices in this direction, we can note the following:

- Conducting continuous systematic monitoring of government activities. This form is typical mainly for countries that are in transition and where the socio-political system is changing;
- Conducting targeted monitoring of government activities. For example, the control of environmental public organizations over the policy of state authorities in the field of ecology;
- Participation of the public in making important decisions;
- Organization of control commissions and public councils under state authorities.

According to researcher A.V. Sokolov, the implementation of public control in the above forms entails, in turn, the presence of certain conditions. These include: the guaranteed right to receive information; the existence of civil society institutions; the operation of state bodies based on democratic principles; the presence of independent media, etc. In fact, these factors make it possible for the public to objectively evaluate the activities of public authorities.

Theoretically, the above aspects exist in most countries. But for the time being, the attitude of opposition to the initiatives of public control organizations or citizens in the sphere of public control remains in the worldview of government representatives. This, in turn, makes it difficult for countries to rebuild civil society.

The need for public control is also reflected in the content of the Constitution of the Republic of Uzbekistan:

"the state, expressing the will of the people, serves their interests. State bodies and officials are responsible to society and citizens" (article 2).

The Constitution of Uzbekistan establishes mechanisms for public control in national legislation. In particular, articles 2,12,35,60 of the Constitution reflect the provisions on the activities of civil society institutions. In addition, laws were adopted "On self-government bodies of citizens"(articles 10-12), "On trade unions, their rights and guarantees of activity"(articles 11-16), "On normative legal acts"(article 16), "On dehkanfarming"(article 25), "On education"(article 28), "On fire safety"(article 9), "On non-governmental non-profit organizations"(article 7), "On fire safety"(article 7). "On labor protection" (articles 4,6,23-24), "On the chamber of Commerce and industry of the Republic of Uzbekistan" (article 13), in the laws " on physical culture and sports "(article 3)," On audit activities " (Article 27), as well as the Labour code (article 233), the Air code (article 5), the Land code (article 84), the Housing code (Article 6) and other legal acts also define legal norms related to public control.

The implementation of this constitutional norm should be under the constant control of the people. Cooperation between the state, its bodies and civil society institutions, and social partnership are among the most effective guarantees of the country's development. Naturally, this cooperation (partnership) takes place within the framework of laws, as well as on the basis of ethics, culture, customs and traditions. In this process, it should be emphasized that it is envisaged that state bodies and civil society institutions enter into a dialogue on

social, economic, cultural, political and legal issues of various content, and act as equal subjects of law. At the same time, social partners, combining their capabilities, take harmonious actions, controlling each other.

Researchers A. B.Khramtsov,N. A. Bezmenova the main tasks of public control are:

- monitoring compliance with current legislation;
- monitoring the feasibility of management decisions;
- monitoring compliance with the rights, freedoms and interests of citizens;
- compliance with formal discipline, quality control of authority by the authorities, etc[14].

An important feature of civil society is its ability to effectively control the activities of state bodies.

Public control over the activities of state bodies in civil society is exercised by its institutions. Political parties, various public associations, mass media and citizens are subjects of public control. The Parliament, formed on the basis of a multiparty system, represented the interests of various political parties and segments of our society, as the First President of the Republic of Uzbekistan Islam Karimov noted. “.. as the authority of deputies, political parties and non-governmental and non-governmental organizations grows, they become the main means of public control over the activities of state and power structures.”[15.182].

In our opinion, public control is one of the essential features of a strong civil society and means regular monitoring by civil society institutions and the General public of the activities of state authorities and management bodies and their officials in accordance with the law. Such control usually manifests itself in the analysis of the activities of public authorities and management, their officials, the study, formation, evaluation and appropriate presentation of public opinion on this issue.

To this end, special attention is paid to ensuring the participation of citizens in the management of public and state Affairs, creating effective mechanisms for public control over the activities of the Executive power, and further strengthening the functions of public control in the country over the past years. Today, our country has established effective mechanisms for public control over the activities of the Executive power. In particular, specific aspects and mechanisms of public control are reflected in the Constitution of the Republic of Uzbekistan and a number of legislative acts. The law "On public control" [16.]has been taken the work in this direction to a new level.

Public control is carried out in the following forms:

- ✓ Appeals and requests to state bodies;
- ✓ participation in public meetings of the Board of state bodies;
- ✓ public discussion, public hearing, public monitoring, public expertise, public opinion research;
- ✓ hearing reports of state officials by citizens ' self-government bodies.

In addition, Public control is also carried out in the form of civil interrogation. Civil interrogation-collection, systematization and analysis of relevant evidentiary information about cases of serious and ongoing violations of the rights and legitimate interests of citizens. This form of public control is a method used in the practice of developed democratic States, which has extensive experience in this matter for many years and requires compliance with a number of rules. These rules differ in some aspects of official control. For example, a public survey often indicates that an organization or institution under control receives information informally from sources without formally contacting the relevant officials. In such cases, it is desirable to get information from employees who are older and do not hold any responsible positions. Also, getting written data from socially active people can give the expected results.

Public control is the main task of public organizations and includes the widest possible involvement of citizens in it, through which the elimination of such illusions as bureaucracy in state activities, corruption, control over state budget expenditures, protection of the legitimate rights and interests of citizens in all spheres of public life, assistance to law enforcement agencies in the prevention of offenses is achieved. Public control exercised by public organizations can cover all areas of public administration. These functions are determined by the need of public organizations to protect the interests of their members and implement their wishes.

As you know, social control is a system of methods of influencing society and social groups on a person in order to check, correct their behavior on a person, and coordinate generally recognized norms in certain societies. Social control serves to achieve and maintain the stability of the social system, as well as to ensure its

positive development.

On the issue of the legal framework in the Republic of Uzbekistan, article 32 of the Constitution of the Republic of Uzbekistan: "Citizens of Uzbekistan have the right directly or through their representatives to participate in managing the Affairs of the society and the state. Such participation is carried out through self-regulation, referendums and the democratic formation of state bodies, as well as the development and improvement of public control over the activities of state bodies.

The procedure for exercising public control over the activities of state bodies is established by law^{iv}[17.1-4].

There are three forms of social control:

- * Simple (mostly compulsory) sanctions;
- Public opinion;
- Social institution [18.436].

In our opinion, at the current stage, the effectiveness of public control in our country is insufficient. Despite the fact that in recent years there have been some positive changes in the activities of the information and mediation control and the parliamentary control, we see cases of non-use of existing forces and capabilities in their activities. This means that in the information and mediation world, more private bloggers than TV or radio hosts respond quickly to incidents. In some cases, when printing or displaying information that is not prohibited, there are cases of filtering them. In our opinion, the most important tool of public control is to control the same issue by transmitting events to the people.

Article 17 of the law "On public control"[19.]stipulates that the results of public control can be used to prepare a final document in the form of a protocol, conclusion, and certificate or in any other form provided for by law, while the final document is informational and advisory in nature. In my opinion, these legal norms have been developed in accordance with the interests of a democratic society. However, its further results are important. In paragraph 3 of this article of the law, the information, recommendations and proposals contained in the final document are considered by the state bodies on a mandatory basis, which indicates that legislative decisions are taken on them, and certain disagreements arise around the implementation of this article. The first consideration is that the provision of recommendations and recommendations to state bodies by subjects of public control is in a deplorable state. On the other hand, public authorities often do not take into account the suggestions and recommendations of subjects of public control.

In alternative organizations, public control is exercised through the creation of various councils. In particular, the decree of the Cabinet of Ministers of the Republic of Uzbekistan dated 23 May 2014 No. 129 "On approval of Model regulations on the Board of Trustees of Higher educational institutions" boards of Trustees established universities[20.]. In paragraph 11 of the Regulations approved by this resolution, it is established that "applies to state bodies for the improvement and development of the activities of higher educational institutions, including the consideration of candidates for leadership positions in higher educational institutions." But until now, the activities of these structures remain unnoticed.The Charter of the Board of Trustees gave it very large powers.

In accordance with paragraph 10 of the Regulations on the Board of Trustees of higher education institutions strengthening the material-technical, educational-methodical base, improvement of social and household infrastructure, coordination and improvement of buildings and grounds of higher education institutions; effective organization and improvement of educational process and practical training of students and employment of graduates of higher educational institutions through the development of their future production, integration of science and education; organization of work to assess the quality of training for bachelors and masters and the effectiveness of research; improving the quality and effectiveness of the educational process; financing and implementation of promising programs that contribute to the quality of training; development of research and innovation activities of Higher educational institutions, implementation of fundamental (applied) scientific and technical developments, rational integration of educational and scientific processes; organization of practical classes for students in direct production. attracting qualified and experienced specialists in the field of production and services to the educational process; improving the working conditions

of teaching staff of higher educational institutions and organizing their professional development and retraining; attracting sponsorship donations, technical assistance (grants) and other extra-budgetary funds to ensure the consistent development of higher educational institutions; first of all, providing social protection for students from orphaned children, awarding scholarships to gifted students, improving living conditions and useful recreation in apartments for students, as well as organizing student recreation during the holidays; introduction into the educational process of advanced forms and methods of teaching, computer and information and communication technologies, electronic educational resources, including providing access to the Internet, providing higher educational institutions with modern educational and laboratory equipment and teaching literature, support and promotion of research and innovation, the formation and development of modern scientific laboratories of higher educational institutions; author's educational programs, manuals, recommendations, didactic materials and other educational and methodological documents; formation of proposals for sending gifted students for training in leading foreign educational institutions, the establishment of special scholarships for them; assistance in organizing international exchange of experience for the teaching staff, senior research researchers and students of higher educational institutions.

Analyzing the current state of Affairs, we believe that it is inappropriate to grant such powers to organizations that accept documents that do not have direct legal consequences. Almost all of these powers are the direct responsibilities of the leadership of the relevant Ministry, University, and even the competent authorities of the state, which are its direct responsibilities, the implementation of these tasks at present in a period of rapid development of science and competition with foreign countries is a certain difficulty.

Currently, most of the members of the boards of Trustees established in higher education institutions work outside the University, their source of life is other areas or activities. Members of the Council who work at the University are also mainly engaged in the type of activity in which they receive a salary. This means that they also don't want the management of the HEI where he works to criticize the activities or look bad with initiatives that didn't meet the interests of other management. No member of the board of Trustees feels any interest in the activities of the Board. We believe that most of its members are included in mandatory membership. This is similar to the fact that such public organizations exist only for drawing up a business plan, making statements and reporting.

In addition, the mahalla Institute is recognized as one of the main subjects of public control. Not only in Uzbekistan, but also in many countries of the world, municipals (as well as gatherings of citizens of the mahalla) spend their main forces and funds on fulfilling the will of the authorities. In other words, in most cases, the initiatives and monitoring activities that they declare end in unconditional compliance with the instructions of the authorities.

Some of these powers end with suggestions such as "organizing" or "improving" activities in higher education institutions. We believe that it is inappropriate to grant such powers to organizations that accept documents that do not have direct legal consequences. Almost all of these powers are the direct responsibilities of the leadership of the relevant Ministry or University, and there are not enough legal mechanisms to influence them by a public organization. Analyzing the current situation, none of the members of the boards of Trustees established at universities today feel interested in the organization's activities. We believe that most of its members are included in mandatory membership. In this article, we do not aim to criticize just one public organization. In our opinion, in the sphere of public control, it is advisable to review the scope of their powers, rights and duties in accordance with the current legislation, with the involvement of proactive and determined individuals who can show a high level of patriotism and feel a direct interest in its development.

It was recognized that public control is now becoming the most important weapon of civil society around the world. In this situation, the organization of these activities based on real mechanisms gives good results. Another difficult aspect of improving this activity is that it lacks the functions of bringing to justice, such as law enforcement agencies, the use of administrative enforcement measures, as authorities. Public control organizations mainly use such tools as analyzing events and events, expressing their own opinions, opposing or supporting the actions of the authorities or other structures, publicly announcing various situations, and discussing them together. This process is difficult for entities that do not even have the status of a legal entity,

many of which are non-governmental.

In addition, the implementation of public control in a society where corruption exists causes various difficulties. In such a society, situations often arise when the interests of a person, their personal interests in relation to human rights and freedoms are the acquisition of wealth, increasing recognition in senior positions, and abuse of power. Public control will not have any impact. Managers are desperately afraid of the media and in most cases take measures to "neutralize" them. According to researchers, corruption is an implacable enemy of civil society. Because for citizens, the state performs its functions, as in the brochure "very expensive"

As noted by the Russian scientist Irina Ivanovna"..... public control can not solve all problems, but it creates conditions for solving many problems and serves as an effective means of increasing the efficiency and transparency of the activities of public authorities. Public control is a crucial direction in the formation of civil society. Without its participation, it is impossible to build a democratic, fair state and modernize the economy and society." [21].

V. CONCLUSION

Public control is effective only with the active support of the general population. The more active the population, the less abuse of power will be, and vice versa, because, as you know, "power is violated, and absolute power is completely out of order." It is important to understand that each person is responsible not only for their own activities, but also for the activities of their Parliament, government, and for the foreign policy activities of their state. If the highest official of the state commits a crime on behalf of the state, then every passive citizen is involved in these crimes. In the end, citizens will have to pay compensation for these crimes. This has happened several times in world history, and it is happening now. A passive political position is unacceptable for citizens, because, as you know, if a citizen does not want to engage in politics, they will soon be forced to do so[21].

Efficiency of public control is that put forward by his subjects of proposals, initiatives or requests in the future will find their solution in some sense, the adoption of legal actions, as an expression of high-level, will lead to the introduction of relevant amendments and additions to legislation on issues related to a specific field, with the result that the people will reach the full realization of his power.

We believe that in order to improve the effectiveness of public control, we need to pay attention to the following:

- Improving the rights and powers of subjects of public control, reviewing its legal mechanisms. Bringing the rights and powers of subjects of public control to the level of mass media in legislation in practice;
- Increasing the level of legal awareness and culture of the population. At the same time, it is necessary to limit the teaching of General legal concepts, widely promote issues of real legal situations, circumstances in everyday life, appeals to state organizations and their officials, economic rights and legal responsibility. Because the main subject of public control is citizens;
- Strengthening of measures of responsibility in relation to persons who allowed the irresponsibility of parliamentary control and deputy requests, and others.

Thus, if the state on the path of building a civil society, legal regulation and guarantees of activity of nongovernmental nonprofit organizations of local authorities achieved level of practical impact on Executive power, social control will become an instrument of true democracy. Corruption and crime in society are decreasing and contribute to increasing the level of social well-being of the population.

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